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April 8, 2003

Country of Origin Labeling Program
Agricultural Marketing Service
U.S. Department of Agriculture
Stop 0249, Room 2092-S
1400 Independence Ave. SW
Washington, D.C. 20250-0249

RE: Federal Register October 11, 2002 (Vol. 7#19) Docket Number LS-02-13
Establishment of Guidelines of the Interim Voluntary Country of Origin Labeling
Of beef

Gentlemen:

Thank you for the opportunity to submit the following comments on the above captioned Federal Register Notice.

I have been a supporter of country of origin labeling (COOL) for food products, particularly beef. Reasons for this support include public polling data that indicated that consumers in Colorado want to know where their food comes from and they are willing to pay more for a US or Colorado product. Perhaps even more important is the diminishing return of my operation is receiving regardless of the steps I take to enhance production and cut expenses.

The driving force behind the support of COOL was a desperate attempt to find a way to stay in business. Turning to the government for such aid has rarely provided relief in the past and it does not appear that this case will be any different. American cattle producers envisioned a program that would label foreign product coming into the United States, thus indicating that all other product was American. They were adamant that they would not be required to individually identify their animals. That message was heard clearly by Congress, who passed the COOL legislation with provision specifically prohibiting mandatory identification.

Based on the Voluntary Guidelines published in the Federal Register on October 11, 2002, apparently the U>S> Department of Agriculture (USDA) believes otherwise, using language in the law stating that, "The Secretary **may require**..." maintenance of a "verifiable record keeping audit trail" to justify language in the guidelines (see 3. record keeping, page 63374) stating that, "any person... **must maintain** auditable records documenting the origin of covered commodities."

I respectfully request that the Secretary reconsider this provision. Had congress stated that the Secretary **shall require**, there would be foundation for the language contained in the guidelines. However, that is not what congress mandated.

The record keeping provisions go yet another step beyond congressional direction in stating, "Self-certification by such persons is not sufficient." What is the rationale for this requirement? How and/or why is it not sufficient?

It was pointed out by a USDA official at a recent meeting on Cool that a federal requirement of an audit trail was nothing new. The Internal Revenue Service (IRS) has been requiring an audit trail for some time. That true statement raises two issues. First, are we to view the USDA in the same light and as an agency that holds the same heavy hand as the IRS?

Second, the IRS accepts self-certification. American taxpayers are not required to provide third-party verification even by the IRS. If a signature is adequate for the IRS, why is it not so for the USDA. Additionally, self-certified declarations are routinely accepted by the federal court system. Does the USDA view livestock producer in the United States more critically than the IRS or the federal courts.

I respectfully request that the Secretary reconsider this provision. Self-certification is sufficient to document origin.

The guidelines refer to the Secretary's ability to use "model certification programs in existence on the date of enactment." Are there model programs being used for these guidelines? If so, what programs are they? What provisions do they contain? What is the justification for those provisions?

Under the voluntary program, USDA "has determined that state and regional labeling programs...do not meet" the requirements of the COOL law. How was that determination made. If the goal of COOL is to label origin and covers the 50 United States, why doesn't a label from one of those states adequately notify consumers of the country of origin?

It has been disappointing to see the uproar that has been created in the media by USDA estimates of the cost of the COOL program, especially considering that USDA is mandating many of those costs. There was not the spirit, the intent or the letter of the law passed by Congress.

It is also disappointing to see the tactics of fear and intimidation that are being used in the market place, such as letters from packers to producers detailing what they will not purchase at any price. Today, one hears that the mandatory identification will not be governmentally mandated, but will be market driven. The "market" could not drive this issue without the aide of the USDA.

In summary, the voluntary guidelines issued for COOL do not meet the spirit, intent or the letter of the legislation passed by Congress. I respectfully request that USDA go back to the drawing board and remove the provisions mentioned previously.

Thank you in advance for your cooperation and attention. I look forward to answers to the many questions the voluntary guidelines have created.

Sincerely,

A handwritten signature in cursive script that reads "Susan Nottingham". The signature is fluid and elegant, with a large initial 'S' and a long, sweeping underline.

Susan Nottingham